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FM AMCONSUL MONTREAL

TO RUEHC/SECSTATE WASHDC PRIORITY 0194
RULSDMK/DEPT OF TRANSPORTATION WASHINGTON DC
RHMCSUU/FAA NATIONAL HQ WASHINGTON DC
RHMFIUU/TSA HQ WASHINGTON DC
RUEHUL/AMEMBASSY SEOUL PRIORITY 0002
INFO RUEHKO/AMEMBASSY TOKYO PRIORITY 0011
RUEHLO/AMEMBASSY LONDON PRIORITY 0016
RUEHRL/AMEMBASSY BERLIN PRIORITY 0006
RUEHBS/USEU BRUSSELS PRIORITY 0013
RUEHBY/AMEMBASSY CANBERRA PRIORITY 0010
RUEHGP/AMEMBASSY SINGAPORE PRIORITY 0007
RUEHRO/AMEMBASSY ROME PRIORITY 0005
RUEHMO/AMEMBASSY MOSCOW PRIORITY 0016
RUEHUJA/AMEMBASSY ABUJA PRIORITY 0010
RUEHBR/AMEMBASSY BRASILIA PRIORITY 0010
RUEHFR/AMEMBASSY PARIS PRIORITY 0015
RUEHME/AMEMBASSY MEXICO PRIORITY 0010
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RUEHMT/AMCONSUL MONTREAL 0314

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SENSITIVE
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STATE FOR D, EAP, IO, EEB, AND L/EB
DOT FOR OST, FAA FOR API-1 AND USPACCOM FOR CMDR
EMBASSIES FOR CIVAIR OFFICERS

E.O. 12958: N/A

TAGS: FAIR KS KN IC ICAO
SUBJECT: ICAO COUNCIL CAUTIONS DPRK ON CIVAIR SAFETY AND SECURITY,
MARCH 9, 2009

REF: SEOUL 357 (NOTAL)

¶1. (SBU) Summary. On March 9, 2009 the International Civil Aviation Organization (ICAO) Council, which is the governing body constituted of 36 representatives of ICAO Contracting States from all regions of the world, discussed the DPRK announcement that North Korea cannot guarantee the safety of South Korean flights transiting No Korean - controlled airspace and other DPRK actions that pose a threat to global aviation security. The ROKG's newly arrived Council Representative, Ambassador Chong Hoon KIM raised several points with the Council and the Council President at the 9 March 2009 Council meeting, noting that the authorities of the DPRK, the Committee for the Peaceful Reunification of Korea, had declared that quote safety could not be guaranteed for the Republic of Korea's civilian airplanes flying through the airspace of the DPRK and its vicinity - end DPRK quote. Ambassador Kim said this announcement constitutes an unacceptable threat to the safety and security of international civil aviation. He added that the Republic of Korea expresses its deep concern on the DPRK's announcement and requests the DPRK to withdraw the declaration. Kim said the DPRK, as a Contracting State of ICAO, should act strictly in accordance with the Chicago Convention, its Annexes and its procedures. Ambassador Kim noted that DPRK actions violate the terms of a Memo of Understanding signed between the two Koreas and the President of ICAO Council in October 1997 which permits the use by any State of air routes between DPRK-controlled airspace and ROKG-controlled airspace. That MOU had enabled 5260 flights to pass through DPRK's territorial airspace last year and in period January-February 2009, 1020 flights have used the airspace, of which 463 were flights from the ROKG and 557 from other States. The DPRK's recent actions had obliged carriers from many ICAO Contracting States to re-route flights. Finally, as these events have caused serious concern for the international aviation community, the Republic of Korea requested the ICAO Council to direct the President of Council to convey the grave concern of the Council to the DPRK. The US, Japan, and 26 other Council members all spoke in

support of the ROKG request. Discussion was held in open Council session. The Council took a Decision relating to North Korea and calling upon the DPRK to meet its commitment to the safety and security of civil aircraft and other principles of the International Civil Aviation Organization (ICAO). End summary.

¶2. (SBU) The Acting US Rep stated in Council that: The U.S. agrees that the DPRK announcement that North Korea cannot guarantee the safety of South Korean flights transiting North Korean-controlled airspace constitutes a clear threat to the safety and security of international civil aviation and global commerce.

--The DPRK actions are posing risk to the commercial carriers of numerous States, many of which have been forced to re-route flights.

--The DPRK statements have generated serious concern in the international civil aviation community and call into question North Korea's commitment to the safety and security of civil aircraft and other principles of the International Civil Aviation Organization.

¶3. (SBU) Other Council members expressed support for the ROKG statement and for Ambassador Kim's request the Council President, Roberto Kobeh, to convey the grave concern of the ICAO Council as soon as possible to senior officials of the ROKG. The 28 States supporting ROKG were US, Japan, Australia,

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Cameroon, Ecuador, Canada, Dominican Republic, Argentina, Singapore, UAE, Saudi Arabia, UK, France, Germany, Italy, Uganda, Russia, China, Namibia, Ghana, Mexico, Brazil, Malaysia, Nigeria, El Salvador, Iceland, Switzerland and Egypt. Due to the lateness of the day (the Korea topic was the last item of session), President Kobeh cut off debate. Only Egypt made a nuanced statement of support by noting with emphasis that it is an obligation of ALL, repeat all, ICAO Contracting States to respect the obligations of the Chicago Convention (ICAO's founding treaty). Egypt's nuanced comment is effectively an unspoken reference to Israel. There were no Council members who spoke differently or expressed any reservations to the strong consensus of the ICAO Council.

¶4. (SBU) The text of the Council decision (to be formalized in all six ICAO languages in a few days) will be available as soon as President Kobeh circulates a draft decision. Kobeh will refine the DRAFT overnight. The Council Decision will be drawn from the comments of Ambassador Kim, the Acting U.S. Representative and the Japan Representative. USICAO will distribute the Council decision as soon as it is received. President Kobeh, assisted by the ICAO staff from the air navigation and legal bureaus, is also completing the drafting of correspondence to the DPRK. (The ICAO Council President's correspondence is not disseminated to Council members.)

¶5. (SBU) On Friday, March 5, ICAO Council President Kobeh and ICAO's Legal Director, together with Acting US Rep and the Japan Rep, had advised and assisted the new Korean Ambassador with the drafting of statements and the Council Decision and the lobbying of other Council members to support the ROKG.

¶6. Comments and feedback to US Mission to ICAO should be addressed to AmConsul Montreal with a slug to pass USICAO. We

encourage messages be sent at SBU level to the extent possible-
because classified material is not accessible in the ICAO
building where US Mission is located.

FAUX-GABLE MCCLENNY